

BOMBAY ACT No. II OF 1922¹.

[THE INDIAN STAMP (BOMBAY AMENDMENT) ACT, 1922.]

[22nd April, 1922.]

An Act further to amend the Indian Stamp Act, 1899.

II of 1899.

5 & 6 Geo.
5, c. 61.

WHEREAS it is expedient further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay; And whereas the previous sanction of the Governor General required by clauses (a) and (f) of sub-section (5) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows :—

1. (i) This Act may be called the Indian Stamp (Bombay Amendment) Act, 1922. Short title, extent, commencement and duration.

(ii) It extends to the whole of the Presidency of Bombay.

(iii) It shall come into force on the 1st day of April 1922 and shall be in force for four years thereafter.

II of 1899.

2. In clause (a) of section 11, proviso (c) to section 32, proviso (a) to section 35, sub-section (1) of section 40, section 41, clause (b) of section 69 and the proviso to section 74 of the Indian Stamp Act, 1899,² hereinafter called "the said Act", before the words "one anna" the words "two annas" shall be inserted. Amendment of sections 11, 32, 35, 40, 41, 69 and 74 of II of 1899.

3. After section 19 of the said Act, the following new section shall be inserted, namely :— New section 19A of II of 1899.

"19A. Where any instrument of the nature described in any article in Schedule I and relating to any property situate or to any matter or thing done or to be done in the Presidency of Bombay is executed out of the said Presidency and subsequently received in the said Presidency— Payment of duty on certain instruments liable to increased duty on in Bombay Presidency.

(a) the amount of duty chargeable on such instrument shall be the amount of duty chargeable under Schedule I on a document of the like description executed in the Presidency of Bombay less the amount of duty, if any, already paid on it in British India,

(b) and in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the duty chargeable on it under clause (a) of this section, in the same manner

¹For Statement of Objects and Reasons, see Bombay Government Gazette, 1922, Part V, p. 19, and for Report of Select Committee, see *ibid*, 1922, Part V, p. 62.

²General Acts, Vol. V.

and at the same time and by the same persons as though such instrument were an instrument received in British India for the first time at the time when it became chargeable with the higher duty, and

(c) the provisions contained in clause (b) of the proviso to sub-section (3) of section 32 shall apply to such instrument as if such were an instrument executed or first executed out of British India and first received in British India when it became chargeable to the higher duty aforesaid, but the provisions contained in clause (a) of the said proviso shall not apply thereto."

Amendment
of Schedule
I of II of
1899.

4. In Schedule I to the said Act—

(a) in column 1 of article 12 clauses (a) and (b) shall be repealed ;

(b) for the entries in column 2 of the said Schedule relating to articles 2 (b), 3, 4, 5, 8 (b), 9, 12, 14, 15, 18, 20, 22, 23, 24, 25 (b), 26 (b), 29, 30 (b), 39, 40 (c), 41, 42, 43, 44, 46, 48, 50, 51, 54 (a), 55 (b), 57 (b), 62 (c) (ii) and 65 and shown in column 2 of the Schedule to this Act the entries shown in column 3 of the latter Schedule shall be substituted ; and

(c) for articles 7 and 10 the following shall, respectively, be substituted, namely :—

" 7. APPOINTMENT IN EXECUTION OF A POWER, where made by any writing not being a will—

(a) of trustees Fifteen rupees.

(b) of property, moveable or immoveable Thirty rupees.

10. ARTICLES OF ASSOCIATION OF A COMPANY—

(a) where the company has no share capital or the nominal share capital does not exceed Rs. 2,500 ; } Twenty-five rupees

(b) where the nominal share capital exceeds Rs. 2,500 but does not exceed Rs. 1,00,000 ; } Fifty rupees.

(c) where the nominal share capital exceeds Rs. 1,00,000. } One hundred rupees.

Exemption.

Articles of any Association not formed for profit and registered under section 26 of the Indian Companies Act, 1913.¹

VII of 1913.

See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 39)."

¹ General Acts, Vol. VII.

SCHEDULE.

(See Section 3.)

1	2	3
2. ADMINISTRATION-BOND— (b) in any other case . . .	Five rupees . . .	Ten rupees.
3. ADOPTION-DEED . . .	Ten rupees . . .	Twenty rupees.
4. AFFIDAVIT . . .	One rupee . . .	Two rupees.
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT— (a) if relating to the sale of a bill of exchange.	Two annas . . .	Four annas.
(b) if relating to the sale of a Government security or share in an incorporat- ed company or other body corporate.	Subject to a maxi- mum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the security or share.	Subject to a maximum of twenty rupees, two annas for every Rs. 10,000 or part thereof of the value of the security or share.
(c) if not otherwise provided for.	Eight annas . . .	One rupee.
8. APPRAISEMENT, ETC — (b) in any other case . . .	Five rupees . . .	Ten rupees.
9. APPRENTICESHIP-DEED . . .	Five rupees . . .	Ten rupees.
12. AWARD . . .	The same duty as a Bond (No. 15) for such amount. Five rupees . . .	The same duty as a Bond (No. 15) for the amount or value of the property to which the award relates as set forth in such award subject to a maximum of twenty rupees.
14. BILL OF LADING . . .	Four annas . . . <i>N.B.</i> —If a bill of lad- ing is drawn in parts, the proper stamp therefor must be borne by each one of the set.	Eight annas. <i>N.B.</i> —If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
15. BOND — where it exceeds Rs. 200 and does not exceed Rs. 300. where it exceeds Rs. 300 and does not exceed Rs. 400. where it exceeds Rs. 400 and does not exceed Rs. 500. where it exceeds Rs. 500 and does not exceed Rs. 600. where it exceeds Rs. 600 and does not exceed Rs. 700.	One rupee eight annas. Two rupees . . . Two rupees eight annas. Three rupees . . . Three rupees eight annas.	Two rupees four annas. Three rupees. Three rupees twelve annas. Four rupees eight annas. Five rupees four annas.

SCHEDULE—*contd.*

1	2	3
15. <i>BOND—contd.</i> where it exceeds Rs. 700 and does not exceed Rs. 800. where it exceeds Rs. 800 and does not exceed Rs. 900. where it exceeds Rs. 900 and does not exceed Rs. 1,000. and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Four rupees . . . Four rupees eight annas. Five rupees . . . Two rupees eight annas.	Six rupees. Six rupees twelve annas. Seven rupees eight annas. Three rupees twelve annas.
18. <i>CERTIFICATE OF SALE—</i> (a) where the purchase-money does not exceed Rs. 10 (b) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25 (c) in any other case . . .	Two annas . . . Four annas . . . The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.	Four annas. Eight annas. The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
20. <i>CHARTER-PARTY</i> . . .	One rupee . . .	Two rupees.
22. <i>COMPOSITION-DEED</i> . . .	Ten rupees . . .	Twenty rupees.
23. <i>CONVEYANCE—</i> where it exceeds Rs. 200 but does not exceed Rs. 300. where it exceeds Rs. 300 but does not exceed Rs. 400. where it exceeds Rs. 400 but does not exceed Rs. 500. where it exceeds Rs. 500 but does not exceed Rs. 600. where it exceeds Rs. 600 but does not exceed Rs. 700. where it exceeds Rs. 700 but does not exceed Rs. 800. where it exceeds Rs. 800 but does not exceed Rs. 900. where it exceeds Rs. 900 but does not exceed Rs. 1,000. and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees . . . Four rupees . . . Five rupees . . . Six rupees . . . Seven rupees . . . Eight rupees . . . Nine rupees . . . Ten rupees . . . Five rupees . . .	Four rupees eight annas. Six rupees. Seven rupees eight annas. Nine rupees. Ten rupees eight annas. Twelve rupees. Thirteen rupees eight annas. Fifteen rupees. Seven rupees eight annas.
24. <i>COPY OR EXTRACT—</i> (i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee. (ii) in any other case . . .	Eight annas . . . One rupee . . .	One rupee. Two rupees.
25. <i>COUNTERPART OR DUPLICATE—</i> (b) in any other case . . .	One rupee . . .	Two rupees.

SCHEDULE—*contd.*

1	2	3
26. CUSTOMS BOND— (b) in any other case	Five rupees	Ten rupees.
29. DIVORCE	One rupee	Two rupees.
30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT— (b) in the case of an Attorney	Two hundred and fifty rupees.	Five hundred rupees.
9. MEMORANDUM OF ASSOCIATION OF A COMPANY— (a) if accompanied by articles of association under sec- tion 17 of the Indian Companies Act, 1913 ¹	Fifteen rupees	Thirty rupees.
(b) if not so accompanied	Forty rupees	Eighty rupees.
40. MORTGAGE-DEED— (c) when a collateral or auxi- liary or additional or substituted security or by way of further assu- rance for the above- mentioned purpose where the principal or primary security is duly stamped for every sum secured not exceeding Rs. 1,000. and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Eight annas Eight annas	One rupee. One rupee.
41. MORTGAGE OF A CROP— (a) when the loan is repay- able not more than three months from the date of the instrument for every sum secured not exceeding Rs. 200. and for every Rs. 200 or part thereof secured in excess of Rs. 200.	One anna One anna	Two annas. Two annas.
(b) when the loan is repay- able more than three months, but not more than eighteen months from the date of the ins- trument— for every sum secured not exceeding Rs. 100. and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Two annas Two annas	Four annas. Four annas.

¹ General Acts, Vol. VII.

SCHEDULE—*contd.*

1.	2	3
42. NOTABIAL ACT	One rupee	Two rupees.
43. NOTE OR MEMORANDUM—		
(a) of any goods exceeding in value twenty rupees	Two annas	Four annas.
(b) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of ten rupees, one anna for every Rs. 10,000 or part thereof of the value of the stock or security.	Subject to a maximum of twenty rupees, two annas for every 10,000 rupees or part thereof of the value of the stock or security.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP.	Eight annas	One rupee.
46. PARTNERSHIP—		
(A) Instrument of—		
(a) where the capital of the partnership does not exceed Rs. 500.	Two rupees eight annas.	Five rupees.
(b) in other cases	Ten rupees	Twenty rupees.
(B) Dissolution of	Five rupees	Ten rupees.
48. POWER OF ATTORNEY—		
(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents.	Eight annas	One rupee.
(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882 ¹	Eight annas	One rupee.
(c) when authorising one person or more to act, in a single transaction other than the case mentioned in clause (a)	One rupee	Two rupees.
(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally.	Five rupees	Ten rupees.

XV of 1882.

¹ General Acts, Vol. III.

SCHEDULE—*concl'd.*

1	2	3
48. POWER OF ATTORNEY.— <i>Contd.</i> (e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally. (f) when given for consideration and authorising the attorney to sell any immoveable property. (g) in any other case . . .	Ten rupees . . . The same duty as a conveyance (No. 23) for the amount of the consideration. One rupee for each person authorised.	Twenty rupees. The same duty as a conveyance (No. 23) for the amount of the consideration. Two rupees for each person authorised. <i>N. B.</i> —The term, "registration" includes every operation incidental to registration under the Indian Registration Act, 1908. ¹
XVI of 1908. 50. PROTEST OF BILL OR NOTE . . .	One rupee	Two rupees.
51. PROTEST BY THE MASTER OF A SHIP.	One rupee	Two rupees.
54. RECONVEYANCE OF MORTGAGED PROPERTY— (a) if the consideration for which the Property was mortgaged does not exceed Rs. 1,000.	The same duty as a conveyance (No. 23) for the amount of such consideration as set forth in the Reconveyance.	The same duty as a Bond (No. 15) for the amount of such consideration as set forth in the Reconveyance.
55. Release— (b) In any other case . . .	Five rupees . . .	Ten rupees.
57. SECURITY BOND OR MORTGAGE DEED— (b) in any other case . . .	Five rupees . . .	Ten rupees.
62. TRANSFER— (c) of any interest secured by a bond, mortgage-deed or policy of insurance— (ii) in any other case . . .	Five rupees . . .	Ten rupees.
65. WARRANT FOR GOODS . . .	Four annas . . .	Eight annas.